

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF ACCOUNTANCY

In the Matter of
Robin Renee Petschel, CPA
License No. 19620

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

The above-entitled matter came on for a prehearing conference before Administrative Law Judge (ALJ) Richard C. Luis at 3:45 p.m. on August 15, 2000, at 125 Golden Rule Building, 85 East Seventh Place, St. Paul, Minnesota 55101. The record closed on August 24, 2000 upon receipt of a letter and affidavit from the Board Staff.

Bobby J. Champion, Assistant Attorney General, 525 Park Street, Suite 500, St. Paul, Minnesota 55103-2106, appeared on behalf of the Complaint Committee of the Board of Accountancy ("the Board"). There was no appearance by or on behalf of Robin Renee Petschel, the Respondent.

NOTICE

This Report is a recommendation, not a final decision. The Board will make a final decision after a review of the record. The Board may adopt, reject, or modify the Findings of Fact, Conclusions and Recommendation contained herein. Pursuant to Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and to present argument to the Board. Parties should contact Dennis J. Poppenhagen, Executive Secretary, Minnesota Board of Accountancy, 125 Golden Rule Building, 85 East Seventh Place, St. Paul, Minnesota, 55101, telephone (612) 296-7937, to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUES

Whether the Respondent failed to respond to communications from the Board; failed to renew her license; failed to appear at a conference; or violated a statute or rule the Board is empowered to enforce, in violation of Minn. Stat. § 326.229, subd. 4(a)(1); and whether the Respondent's conduct constitutes grounds for justifying the Board to condition, limit, suspend or revoke the Respondent's license.

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The Notice of and Order for Prehearing Conference and Hearing^[1] in this matter was served upon the Respondent, Robin Renee Petschel, at her last known address, by first class mail at 5540 Aldrich Drive North, Minneapolis, Minnesota, 55430, on June 23, 2000.

2. The Notice of and Order for Prehearing Conference and Hearing mailed to the Respondent included the following notice after the sentence notifying Respondent of the time and location of the Prehearing Conference:

Respondent is hereby urged to attend. Respondent's failure to do so may prejudice Respondent's rights in this matter and any subsequent proceedings in this matter, may result in the allegations contained herein being taken as true, and may be the basis for the revocation, restriction, suspension, or any other disciplinary action taken against Respondent's license.

3. The Respondent did not file a Notice of Appearance with the Administrative Law Judge or make any prehearing request for a continuance or any other relief. The Respondent did not appear at the prehearing conference scheduled for August 15, 2000, or have an appearance made on her behalf.

4. Because the Respondent failed to appear at the prehearing conference in this matter, she is in default. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice of and Order for Prehearing Conference and Hearing, with the exception of allegations Nos. 4 and 5, are hereby taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Board and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50, 214.10, and 326.165 to 326.229 (1998).

2. The Board has given proper notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law and rule.

3. The conduct described in the Notice of and Order for Prehearing Conference and Hearing constitutes violations of Minn. Stat. §§ 326.20 and 326.229, subd. 4(a)(8) and Minn. Rules 1100.0600, 1100.1900, 1100.2200 and 1100.3600.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS RECOMMENDED that disciplinary action be taken against the license of Robin Renee Petschel, CPA.

Dated this 14th day of September, 2000

RICHARD C. LUIS
Administrative Law Judge

NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.

Reported: Default.

^[1] The Notices sent on June 23 announced that Allan W. Klein would be the ALJ. Judge Klein's cases were reassigned subsequently to ALJ Richard C. Luis.